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S/25475
26 March 1993

ORIGINAL: ENGLISH

LETTER DATED 25 MARCH 1993 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF TURKEY TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In my capacity as the representative of the country that is the current chairman of the Islamic Conference of Foreign Ministers, I have the honour to inform you that the Committee on Palestine of the Organization of the Islamic Conference met in New York on 23 March 1993 to consider the situation in the occupied Palestinian territory, including Jerusalem.

During the meeting the members of the Committee expressed their deep concern over the current escalation of repressive measures and practices by the Israeli authorities as well as over the deteriorating economic situation and living conditions in the occupied territories.

The members of the Committee affirmed the applicability of the Fourth Geneva Convention of 1949 to the occupied Palestinian territories, including Jerusalem, and reiterated the obligation of the Israeli Government to abide by the provisions of the said Convention. The members of the Committee, while underlining the need to provide urgent protection for the Palestinian people as set forth in Security Council resolution 681 (1990), gave their full support to the initiative taken by the Chairman of the Arab Group in requesting the Security Council to meet in order to consider the serious situation in the occupied Palestinian territories, including Jerusalem.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Tahsin BURCUOĞLU
Deputy Permanent Representative
Chargé d'affaires a.i.

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LETTER DATED 26 MARCH 1993 FROM THE REPRESENTATIVES OF FRANCE, SPAIN AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

We have the honour to bring to your attention the French and English texts of the statement on Bosnia and Herzegovina adopted by the European Community and its member States on 26 March 1993.

We should be most grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed)	(Signed)	(Signed)
Antonio PEDAUYE Chargé d'affaires a.i. Permanent Mission of Spain	Jean-Bernard MERIMEE Permanent Representative of France	Sir David HANNAY, KCMG Permanent Representative of the United Kingdom

Annex

Statement on Bosnia-Herzegovina
Brussels, 26 March 1993

[Original: English/French]

The Community and its member States warmly commend the decision of the Bosnian Government to sign the Vance/Owen peace plan. They reiterate their unequivocal support for the plan and pay tribute to the valuable efforts of the two co-Chairmen.

They also welcome the agreement between the Muslim and Croat parties on the interim arrangements which form an important part of the peace package.

They hope the Security Council of the United Nations will endorse the Vance/Owen peace plan, and they express their readiness to contribute substantially to its implementation.

The Community and its member States demand that the Serb side now accept the plan in its entirety and cooperate fully in all aspects of its implementation. The Serbs must stop all aggressions at once, preparing the way for the cessation of hostilities by all sides.

If the Bosnian Serbs refuse to accept the plan now, full international pressure will be brought to bear on them. The Community and its member States will continue strengthening sanctions and will consider further measures leading to the total isolation of Serbia-Montenegro.

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LETTER DATED 26 MARCH 1993 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

My Government would wish to bring to the attention of the members of the Security Council the continuing aggression against and attacks on the territory of Croatia, committed by the Serbian insurgents in the United Nations protected areas or the Serbian paramilitary units from the territory of Bosnia and Herzegovina.

In the annex to the present letter I have the honour to submit a detailed overview of the events that occurred in the period from mid-March until today.

I request your kind assistance in distributing this letter and its annex as a document of the Security Council.

(Signed) Mario NOBILO
Permanent Representative

Annex

Military activities against the territory of Croatia

15-26 March 1993

In the period from 15 March to 26 March 1993, there were 198 attacks by Serbian forces against the territory of Croatia. On 21 occasions the enemy attacked with small-arms fire. On 72 occasions enemy attacks were executed with artillery fire, and on 92 occasions with mortar fire. In the above-mentioned period 13 times Croatian territory was attacked with multiple rocket launchers of the "Oganj" and "Orkan" type. The attacks resulted in 3 fatalities and 27 substantial injuries. Consequently severe material damage was inflicted upon the towns of Zadar, Biograd, Vodice, Sibenik, Gospic, Karlovac and Dubrovnik.

The following assessments depict some of the most severe attacks during that period.

15 March 1993

Djakovo: from 0835 until 0845 hours, 10 cannon shells were dropped on the city and its surroundings. By 1145 five more shells had been lanced.

Komarevo: from 1400 until 1500 hours, 30 mortar shells (82-mm) and 20 tromblone shells were fired. At 1430 incalculable rounds of sniper fire were also used.

Karlovac: at 1407 hours, enemy arsonists set civilian homes aflame in Grubesici.

Karlovac: at 1425 hours, enemy arsonists set civilian homes aflame in Goljaci.

Biograd: at 1428 hours, six 155-mm shells were discharged from howitzers.

16 March 1993

Zupanja: at 0850 hours, enemy forces launched four artillery shells on the village of Rajevo. Consequently there was severe material damage.

Sibenik: at 1010 hours, one anti-tank hand-grenade launcher was deployed from village of Vujko. At 1715, from the village of Travica, 40-mm anti-aircraft shells ("Bofors") were fired. At 2305, five 120-mm mortar shells were fired again from the direction of the village of Travica.

Village of Radisic (Sibenik): numerous howitzer shells were fired at 1345 hours from the direction of the village of Gardijan. At 1425 hours, six 120-mm mortar shells were fired again from the village of Gardijan. From 2100 until 2105 hours a total of seven 120-mm mortar shells were fired from the direction of the village of Vujko.

Village of Dubravice (Sibenik): at 1350 hours, two missiles were fired from a multiple rocket launcher, from the direction of Kistanje. Then, at 1745 hours, five mortar shells were accounted for, coming from the direction of Gardijana.

These assaults were followed by several more rounds of 120-mm mortar shells, this time from the direction of the village of Vujko. Finally, at 2130 hours, another series of mortar fire fell on the village of Dubravice, this time deployed from Dobrijevici.

17 March 1993

Village of Kinjacka: at 1200 hours, enemy forces from the village of Brdani opened fire on a motorized vehicle, resulting in two fatalities, one serious injury and severe damage to the vehicle. The passengers of the vehicle were members of the Croatian Army from Kinjacka.

Village of Miljevci: at 1300 hours, 30 120-mm mortar shells and 10 155-mm howitzer shells were fired, resulting in the physical injury of a police officer from Sibenik and costly material damage.

Village of Dubravka (Dubrovnik): from 1300 hours until 1320 hours a total of 15 mortar shells were fired upon civilians.

18 March 1993

Village of Damjanici (Sibenik): at 0900 hours enemy fire was received from the direction of Travice. Between 1155 and 1230 hours approximately 15 82-mm mortar shells were fired first from Vujka and then from Travice. At 1735 hours, anti-aircraft artillery fire came from Vujka. Within 10 minutes, at 1745 hours, another attack by anti-aircraft weapons was launched from Travice, this time with a multiple 20-mm cannon. Yet another attack pounded the civilians of Damjanici at 1920 hours, when two bazooka rockets were launched at them from Vujka.

Village of Slano (Dubrovnik): at 1030 hours, six 130-mm cannon shells were fired.

Village of Dubravice (Sibenik): at 1045 hours, five 120-mm mortar shells were fired.

Village of Gacelezi (Sibenik): at 1100 hours 12 tank shells were fired.

Village of Grabovica (Sibenik): between 1930 and 1948 hours, 11 120-mm mortar shells and 7 tank shells struck the inhabitants of Grabovica.

19 March 1993

Drnis: from 0600 hours, enemy forces spent the entire day pounding the city with artillery from howitzer devices and mortar fire. Over 1,000 shells were accounted for.

Village of Rajevo (Zupanja): at 1020 hours, 10 tank shells were fired.

Village of Podgajci (Zupanja): at 1120 hours, 10 tank shells were fired.

Sibenik: at 1915 hours, one tank grenade was fired on the city. The civilians were alerted to take cover in shelters and shortly after 10 "Orkan" missiles were hurled at them.

20 March 1993

Sunja (Sisak): from 0600 hours, in the course of the day enemy fire came from the left side of the Sava river, near Gradusa. Attacks came in the form of 60-mm and 82-mm mortar shells, tromblone grenades, and small-arms fire, launched against the Croatian troops stationed there.

Village of Gornje Mokrice (Sisak): at 1300 hours, enemy assaults started with machine-gun and sniper fire against stationed Croatian forces in Gornje Mokrice. Consequently sniper attacks seriously wounded a member of the Croatian Army.

21 March 1993

Village of Ribnik (Gospic): from 1740 until 1930 hours, civilians were under attack by numerous 120-mm mortar shells and three tank shells, in addition to 155-mm howitzer fire.

Village of Opasac (Dubrovnik): at 1000 hours, two 130-mm tank shells were fired upon the city.

Village of Konavli (Dubrovnik): at 1000 hours, four 130-mm tank shells were fired upon the city.

Village of Zupa Dubrovacka (Dubrovnik): at 1015 hours, 10 130-mm shells were fired upon the city.

Village of Tvrdavica (Osijek): at 1805 hours, 13 mortar shells were fired upon the city.

Village of Garakusa (Sibenik): at 1828 hours, 13 mortar shells were fired upon the city.

Sibenik: at 1955 hours, six "Orkan" type rockets fell on the east side of the city.

22 March 1993

Sibenik: at 0035 hours, 10 anti-aircraft missiles and 10 tank shells (130-mm) were fired upon the city.

Village of Vodice (Sibenik): at 0040 hours, 15 shells fell on the city.

Village of Pirovac (Sibenik): several howitzer shells and five tank shells fell upon the city from 0040 until 0045 hours. More attacks followed from 2150 until 2235 hours, which provided evidence of 10 more howitzer shells.

Village of Lipovac (Vinkovci): at 1100 hours, the enemy launched incalculable attacks against the stationed Croatian Army, using small-arms fire and small artillery. This resulted in the death of one member of the Croatian Army.

Village of Ribnik: from 1330 until 1430 hours, a total of 25 tank shells and 120-mm mortar shells bombarded the civilians. Another attack was launched at 2220 hours and five more mortar shells were accounted for.

Gospic: from 1332 until 2143 hours, enemy forces attacked the city of Gospic. The following artillery was found pursuant to the attack: 12 tank shells, 24 howitzer shells and 9 mortar shells.

Village of Bilaj (Gospic): from 1315 until 2215 hours, attacks were launched from the Barleta, Rogica, Vrepca and Village of Vrebca regions, all against the city of S. Bilaj. Pursuant to the attacks 44 120-mm mortar shells, 2 tank shells and 2 82-mm mortar shells fell upon the city.

Sibenik: at 1355 hours, five "Orkan" type missiles from Trbounja assaulted the inhabitants, leaving 23 people gravely injured and resulting in serious material loss and damage.

Village of Klisa (Gospic): the city of Klisa and its residents were assailed by enemy forces in Divosela, from 1415 until 2105 hours. The attacks were launched with 82-mm mortar shells, hand-held fire-arms and small artillery in addition to anti-aircraft missiles. There were 21 mortar shells accounted for, following the attack, as well as incalculable amounts of the above-mentioned artillery.

Village of Gaceleze (Sibenik): at 1735 hours, 30 82-mm mortar shells were fired upon the city.

Biograd: at 1840 hours, 20 tank shells were fired at the city. Two hours after the initial attack eight "Oganj" type rockets were launched at the orthopaedic hospital.

Vodice: at 1945 hours, eight "Oganj" type rockets fell on the city, resulting in grave tangible losses.

Pirovac: at 1955 hours, six "Oganj" type rockets fell on the city, resulting in grave tangible losses.

23 March 1993

Dubrovnik: at 1210 hours, 15 howitzer shells were fired upon the city. Another attack was launched at 1323 hours, firing 19 more howitzer shells. At 1525 hours, the enemy forces launched yet another attack against the historic city of Dubrovnik, shelling the city with three more howitzer shells.

24 March 1993

Zupanja: at 0645 hours, there was a general alert in the city and its surroundings. Artillery attacks were made on surrounding villages and several 120-mm mortars fell on Rajevo Selo and Posavske Podgajce.

Zadar: at 1420 hours, four "Orkan" missiles were launched from the region of Muskovci village on Razanac. Three civilians suffered injuries.

Sibenik: at 1242 hours, four "Orkan" missiles were launched on the centre of the city, causing considerable material damage. One person suffered injuries.

Sinj: at 1715 hours, there was artillery fire on the surrounding villages. A general alert was sounded for the territory of the region. Mortars (120-mm) and tank artillery were used.

Solin: at 2110 hours, four "Orkan" missiles with cluster warheads fell on Konjsko and Blace. There was no sustainable material damage, but the surrounding roads had to be closed for 24 hours in order to permit the demining.

25 March 1993

Zadar: at 1505 hours, four 155-mm howitzer grenades were fired from Zemunik Gornji on the centre of the city. A general alert was sounded. Another attack was launched at 1700 hours, with additional five 155-mm shells that equally fell in the historic centre of the city.

Biograd na moru: at 1600 hours, from the positions in Kakma, an artillery attack was launched on the town of Biograd na moru and the surrounding villages of Rastane, Turanj and St. Filip and Jakov. The enemy used artillery and 120-mm mortar ordnance: in total some 25 grenades fell on various parts of the region, causing considerable material damage.

Sibenik: at 1905 hours, two mortar shells were fired from Cista Mala on Dragisici. At 2005 hours, an intensive mortar attack was launched towards the villages Pakovo Selo and Miljevci. At 2055 hours, a Serbian tank opened artillery fire towards the positions of the Croatian Army in Grbovici, Dragisici and Gacelezi.

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NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

After the consultations held on 26 March 1993, the President of the Security Council issued the following statement on behalf of the members in connection with the item entitled "The situation in Cyprus":

"The members of the Security Council have reviewed the situation related to the Secretary-General's mission of good offices in Cyprus.

"The members of the Council welcomed the acceptance by the two leaders of the Secretary-General's invitation to attend a joint meeting on 30 March to discuss the timing, modalities, and preparation for the resumption of substantive direct negotiations as mandated by the Security Council.

"The members of the Council reaffirmed their position that the present status quo is not acceptable and that a mutually acceptable overall framework agreement should be achieved without delay on the basis of the Set of Ideas which have been endorsed by the Security Council.

"The members of the Council called on the leaders of the two communities in Cyprus to manifest their goodwill by cooperating fully with the Secretary-General so that the substantive direct negotiations which are due to resume shortly will result in significant progress.

"The members of the Council reaffirmed their determination to remain seized of the Cyprus question on an ongoing basis and to lend their active support to the Secretary-General's effort.

"The members of the Council requested the Secretary-General to report to the Council on the outcome of the 30 March meeting."

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REPORT OF THE SECRETARY-GENERAL ON THE ACTIVITIES OF THE INTERNATIONAL CONFERENCE ON THE FORMER YUGOSLAVIA: PEACE TALKS ON BOSNIA AND HERZEGOVINA

INTRODUCTION

1. The present report refers only to the efforts of the Co-Chairmen of the Steering Committee on the International Conference on the Former Yugoslavia regarding Bosnia and Herzegovina, without entering into other questions under the purview of the Conference.

2. The Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, Cyrus Vance and Lord Owen, have deployed their best endeavours for seven months to bring peace, with justice and respect for human rights, to Bosnia and Herzegovina. They and their colleagues have laboured night and day to help the parties to the conflict reach an honourable and durable settlement. In my earlier reports to the Security Council, I have provided extensive information on the detailed efforts of the Co-Chairmen.

3. In my last report, of 12 March 1993 (S/25403), I noted that the recent efforts of the Co-Chairmen centred on the following elements of the peace package: first, building on the constitutional principles for Bosnia and Herzegovina; second, settling the boundaries of provinces in the areas where agreement has not yet been forthcoming from the Government and the Bosnian Serb sides; third, advancing towards implementation of the military agreement; and, fourth, promoting agreement among the three Bosnian sides on arrangements for the governance of the country in the interim period between the signing of a peace settlement and the holding of elections under a new Constitution. The Co-Chairmen have consistently sought to advance agreement on the package as a whole because they consider that partial solutions are likely to be exploited for partisan advantages. Only a comprehensive approach can lead to lasting peace.

4. Since the issuance of my last report, the Co-Chairmen have held another round of peace talks with the three sides to the conflict. The latest round lasted from 16 to 25 March 1993. The efforts of the Co-Chairmen, and the positions of the three sides, are set out below.

I. INTERIM ARRANGEMENTS

5. In all the meetings that the Co-Chairmen have had with the Bosnian Government side, as well as in meetings with the Bosnian Serbs, over the last few months, a fundamental difference constantly emerged over issues of legitimacy of the State of Bosnia and Herzegovina. The Government side insists that since Bosnia and Herzegovina is an independent, sovereign State recognized as such by the United Nations, the existing constitutional order, government and governmental institutions should all be preserved and endorsed in any peace settlement by all the parties. The Bosnian Serb side's view is that a civil war is raging because of the circumstances surrounding the creation of Bosnia and Herzegovina. They were adamant that they cannot rejoin the existing system which, they considered, brought on the war and was the reason for their withdrawing from the Assembly, the Government, the Presidency and for persuading Bosnian Serbs to boycott the referendum. In the view of the Co-Chairmen the only way a settlement could be reached would be for all sides to concentrate on agreeing on specific arrangements for the interim period.

6. In an effort to deal with these fundamental points, the Co-Chairmen arranged meetings during the preceding round of the talks between the Bosnian Government side and the Bosnian Croat side in order to promote agreement. Those meetings led to the signature, on 3 March 1993, of an agreement on interim governmental arrangements between the Bosnian Government and the Bosnian Croat sides. The relevant points of that agreement, and the related discussions on interim governmental arrangements, were summarized in my previous report to the Security Council (S/25403, paras. 29-35).

7. During the latest round of the peace talks, the Co-Chairmen arranged meetings between the Bosnian Serb side and the Bosnian Croat side in an attempt to agree on provisions for the interim governmental arrangements. Meetings for this purpose were also arranged again between the Bosnian Government side and the Bosnian Croat side.

8. In the light of the views expressed, the Co-Chairmen arranged a further meeting between the Bosnian Government side and the Bosnian Croat side on 24 March 1993 to discuss a working paper on interim governmental arrangements. After five hours of meeting, the two sides reached agreement, which they signed on 25 March 1993 (annex I). As part of that agreement, they also signed, on the same occasion, a revised map of provincial boundaries (annex III).

9. On 25 March 1993, when President Izetbegovic signed the agreement on interim arrangements and the provincial map, he made a declaration which is reproduced in full in annex V.

II. SARAJEVO

10. As regards arrangements for the governance of Sarajevo, it emerged in discussions that a way forward might be to increase the size of the proposed Sarajevo province making it less dominated by the city and therefore more like that of the other nine provinces. Both the Bosnian Government and the Bosnian Croats felt that in addition to the inclusion of most of the opstina of Kiseljak and that of Kresevo, as in the original map, the inclusion of the whole opstinas of Visoko, Breza and Vares and a small border area of Kakanj would make for a better-balanced province. They believed also that within Sarajevo province there was a case for defining a capital city district which would continue to allow for an open and undivided city as previously proposed by the Co-Chairmen, but which was somewhat larger than the capital opstina that was referred to in my previous report to the Security Council (S/25403, para. 26). Both sides believed that in such a case Sarajevo province should be governed during the interim under the same proportional formula which had been suggested should apply to the other nine provinces. Sarajevo city itself would be governed by an Interim Executive Mayor and Interim Executive Board, under the nominal supervision of the Presidency. These ideas for Sarajevo were discussed with the Bosnian Serbs and then in detail with the Bosnian Croats together with the Bosnian Government, who both accepted them and expressed their readiness, on that basis, to sign a revised map (annex III).

11. The positions of the three sides on other issues are outlined below.

III. THE BOSNIAN GOVERNMENT

12. The Bosnian Government side, led by President Alija Izetbegovic, met the Co-Chairmen in New York on 18 March 1993. The main subject of discussion was the need for the Assembly that had been suspended since the war and whose powers had been assumed by the Presidency to be reactivated during the interim period. The Co-Chairmen pointed out that neither the Bosnian Croats nor the Bosnian Serbs had been prepared to accept that the Assembly should have any role in the interim period.

13. On 19 March 1993, the Co-Chairmen had a further discussion about the interim Presidency and its relation to the Government. The Co-Chairmen explained that in a decentralized state a number of the existing Ministries and Ministerial functions would no longer be necessary, and a smaller list of Ministries was discussed. That list was then subsequently discussed separately, and together, with the Bosnian Croats and Bosnian Serbs. The outcome of these discussions was the agreement on interim arrangements mentioned earlier (annex I).

IV. THE BOSNIAN SERBS

14. The Bosnian Serb side, which remained involved in the talks regarding interim governmental agreement and the revised map of provincial boundaries, was invited to sign them at a plenary session of the talks held on 25 March, but declined to do so. It stated, however, that it would refer these documents to its assembly for its consideration and decision. The Co-Chairmen encouraged it to do so and to act promptly.

15. The Bosnian Serb side asserts that it wishes for peace and claims that it is being forced to fight because of specific attacks by Bosnian Government forces, whether in Sarajevo or Eastern Bosnia. At the current round of the peace talks it proposed to the Co-Chairmen that all three sides should agree on an end to the war and that, for its part, it would state publicly that the status quo would not prejudice the final territorial settlement. The Co-Chairmen felt, in the light of the situation on the ground, that there was no point in pursuing hollow declarations and that there was no escaping the need for withdrawal of the Bosnian Serb armed forces from those parts of the territory of Bosnia and Herzegovina which they at present claimed for themselves and which lay outside the three provinces in the map in which the Serbs could expect to be the majority in the provincial government. For similar reasons the Co-Chairmen rejected the Bosnian Serb suggestion that United Nations forces should be invited into the territory which they at present occupy outside these provinces but from which they would withdraw their forces. The Co-Chairmen noted that the territories involved would, under the proposal, remain under the administration and control of the Bosnian Serbs, with Serb police remaining.

16. With regard to the governance of Sarajevo, the Bosnian Serb side's initial position was that it should be governed by Muslims and Serbs on a 50-50 basis but that they would accept a capital opstina governed on a 3:3:3 basis. They expressed some interest in the idea put forward by the Co-Chairmen that the Boundary Commission should be asked to consider future arrangements in Sarajevo. They also expressed interest in the idea of a capital city concept for an inner part of Sarajevo to be governed by an Executive Mayor and an Executive Board.

17. The Bosnian Serb side openly admitted to the Co-Chairmen that as far as they are concerned the independent State of Bosnia and Herzegovina has never existed and does not exist. It did not disguise the fact that it considers that it is being forced by the international community to live within Bosnia and Herzegovina against its wishes. That being the case, it wished to retain as much of its present "Republika Srpska" as possible and to restrict the functions of the central governmental institutions of Bosnia and Herzegovina to a minimum. Notwithstanding the fact that it signed the nine Constitutional Principles on 30 January 1993, it continues to argue for Bosnia and Herzegovina to be divided into what would effectively be three separate states. It takes the view that the Constitutional Principles are relevant only to the drafting of a new constitution and are not applicable for the interim period. Its position, for all practical purposes, amounts to a

strategy of continuing its "Republika Srpska" by merging the three provinces in which it would have a majority and which it continues to argue should be contiguous on the map and linked in all aspects of government.

18. In discussing with the Co-Chairmen the laws to be applied in the interim in the three provinces where there is a Serb majority, the Bosnian Serb side insisted on the continuation of what it said were the over 700 acts of legislation adopted by its "Republika Srpska". The Co-Chairmen arranged for their legal advisers to meet to examine this legislation in more detail. Since it is envisaged that there would be freedom for different provincial legislation, provided it was not incompatible with the constitution of Bosnia and Herzegovina, some different legislation in these three provinces might be acceptable in the interim provided it did not conflict with the legislation necessary for Bosnia and Herzegovina as a whole in the interim.

19. As to the structure of central government for the interim, the Bosnian Serbs said they were not prepared to accept the case for an Interim President to be Head of State or the need for a Presidency, or even for any form of interim central government. They argued, instead, for a central coordinating body which would have as few functions as possible, involving coordination among the three peoples' interim constituent structures. They were not even prepared to envisage an interim Ministry or Minister for Foreign Affairs. The Co-Chairmen said that such a position was totally incompatible with the Constitutional Principles which they had signed and would have the effect of convincing any fair-minded person that they had no intention of living within the single state of Bosnia and Herzegovina, not just for the interim, but would obstruct negotiations for a final Constitution compatible with the agreed principles.

20. The Bosnian Serb side did, however, express support for the idea of the Co-Chairmen - which has been endorsed by the other two sides - that an international human rights monitoring mission should be established in Bosnia and Herzegovina with open access to all provinces. The Bosnian Serbs were not convinced of the case for establishing ombudsmen at the national level and considered that each of the three sides should appoint four ombudsmen for each of the sides' constituent structures. Also, they believed that any Human Rights Court should operate similarly in the three peoples' constituent structures. The Co-Chairmen made it clear that the provinces were separate constitutional entities with their own separate provincial constitutions and parliaments, which could not be merged into one Parliament.

21. It was clear to the Co-Chairmen that the position of the Bosnian Serbs had hardened appreciably since the Geneva round of negotiations in January on many of the political aspects of an overall settlement.

V. THE BOSNIAN CROATS

22. The Bosnian Croat side has signed all the elements of the peace package put forward by the Co-Chairmen: the Constitutional Principles, the map of provincial boundaries, the military agreement, and the interim arrangements.

23. As it has done in earlier rounds of the peace talks, the Bosnian Croat side, led by Mr. Mate Boban and including Bosnia and Herzegovina Prime Minister Mile Akmadzic, continued to support the peace package and to urge the other two sides to sign the comprehensive peace package - so that implementation could begin as soon as possible and the war be brought to an end.

24. With regard to the suggestion by the Bosnian Government delegation that the existing Parliament should be reconvened, the Bosnian Croat delegation refused because it maintained that the Parliament had been an extremely divisive institution which had, in its view, been one of the principal causes for the outbreak of the conflict. They also maintained that the three constituent peoples represented in the interim Presidency had to be in overall control, though the main executive functions could be carried out by the Interim Government, albeit with many of its functions removed in view of the increased powers to be exercised by the provinces during the interim.

VI. ASSESSMENT

25. The Co-Chairmen considered that the Interim Arrangements paper (annex I) should now form part of the package alongside the Constitutional Principles (annex II), the map (annex III) and the military agreement (annex IV) and put this package for final signature to the three sides at a plenary meeting held on 25 March 1993 as representing a fair compromise among complex and conflicting demands.

26. At the final plenary meeting of this round of the peace talks, on 25 March 1993, the Co-Chairmen urged all three sides to build upon the work that had been done and upon the progress made so as to put an end to the conflict, to bring relief to its innocent victims, and to set the country on a new course. The Co-Chairmen particularly urged all three sides to exercise maximum restraint and to do everything possible to ensure respect for the norms of international humanitarian law.

27. In these circumstances, the Co-Chairmen have concluded that the responsible course of action is for them to recommend that any enforcement action of the no-fly zone, or toughening of sanctions, or the placing of United Nations military observers (UNMOs) around the border of Bosnia and Herzegovina, in Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), should now be accompanied by the Security Council's unqualified endorsement of the peace package (annexes I-IV).

28. I recommend the early establishment of an International Human Rights Monitoring Mission as described in my previous report (S/25403), which all three sides have expressly accepted. Pursuant to the recommendation of the Co-Chairmen, discussions are continuing to develop an implementation peace-keeping plan that could, when all three sides have signed the whole package, be endorsed by the Security Council. Furthermore, the Co-Chairmen recommend the establishment of the Boundary Commission mentioned in the previous report of the Secretary-General.

VII. CONCLUDING OBSERVATIONS

29. The moment has arrived for the international community to come to grips with the process that has been conducted by the Co-Chairmen and with the results obtained. After seven months of the most intensive negotiations, 10 out of the 12 signatures required have been obtained. Only one side - the Bosnian Serbs - now lags behind in signature of the provincial map and the agreement on interim arrangements.

30. The Co-Chairmen's peace package provides the only mechanism available for the re-establishment of peace, with justice and respect for human rights, in Bosnia and Herzegovina. Final agreement on the peace plan, and its rapid and robust implementation, offer the best prospect for improving the situation in Bosnia and Herzegovina. I strongly urge the Security Council to approve the whole peace package and to call upon the Bosnian Serbs to sign the remaining two parts so that attention may be concentrated henceforth on the implementation of the plan.

Annex I

Agreement on interim arrangements

A. INTERIM PRESIDENCY AND INTERIM CENTRAL GOVERNMENT

1. During the interim period between the conclusion of the peace package and the holding of elections under a new Constitution, the Republic of Bosnia and Herzegovina, as well as its Provinces, shall be governed under the prevailing legal system and in accordance with the letter and spirit of the Constitutional Principles agreed and signed by the parties. During this period, in the direct aftermath of hostilities, when a consensus amongst the three constituent peoples is the only acceptable basis for reaching any fundamental decisions, the Interim Presidency and Interim Government shall function on a coalition basis. This arrangement shall not prejudge the provisions to be negotiated for the new Constitution, under which the role of the Presidency and the Government chosen from a democratically elected Parliament is expected to be different and will reflect more accurately the will of the people. a/ Even so, under the Constitutional Principles the Presidency will be bound to have an important role to safeguard the rights of the constituent peoples.

2. During the interim period there shall be a nine-member Interim Presidency, with three representatives from each of the three constituent peoples. The Interim Presidency is to be the highest authority of the State but will not be involved in the day to day detail of government.

3. The nine members of the Interim Presidency shall designate one member to serve as President of the Presidency. The President shall perform the role of head of state. The position of President shall rotate every six months among the three constituent peoples in accordance with the sequence of rotation: Muslim, Croat, Serb.

4. The Interim Presidency shall take its decisions by consensus of nine, or by a qualified majority of seven, or by a simple majority of five, depending on whether the decision relates to a constitutional principle, to a specially important question, or to normal business of the Presidency. If the members of the Interim Presidency are unable to agree on the applicable majority, they shall consult the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia (the "Co-Chairmen") whose decision shall be binding.

5. The Interim Presidency shall appoint a Prime Minister and the following eight Ministers:

(a) Minister of Foreign Affairs;

(b) Minister of Finance, with responsibility also for Customs and Excise Duties;

(c) Minister of Justice and Citizenship;

(d) Minister of International Commerce;

(e) Minister of Communications and Transport;

(f) Minister for Refugee Affairs;

(g) Minister for Reconstruction;

(h) Minister for Environmental Protection.

6. Of these nine Ministers, for the interim period three each shall be members of each of the three constituent peoples. This arrangement does not set a precedent for the final Constitution to be negotiated, whereunder the Government will be formed following elections and will reflect the view of the electorate. The Prime Minister may not be a member of the same constituent people as the President of the Presidency; the term of office of the Prime Minister shall coincide with that of the President. The Presidency shall also appoint Deputy Ministers, Under-Secretaries and other senior officials in the proportion 4:3:2. No member of the Presidency shall simultaneously serve as a Minister in the Government. Decisions on appointments or dismissals shall require a majority of seven members of the Interim Presidency.

7. The Interim Presidency shall also be responsible for determining the role of such ministries as are deemed appropriate, and for establishing the functions and governance of any necessary independent agencies - such as the International Access Authority (see part I below), a National Power Authority, the National Bank, a National Civil Aviation Authority, and a National Post, Telegraph and Telephone Authority - and other aspects of government. The Presidency shall be responsible for setting policy guidelines and overseeing the work of the Interim Central Government and any other agencies which it might establish, all of which shall be answerable to it.

8. The principal responsibilities of the Interim Presidency and the Interim Central Government shall be:

(a) Preparations for the holding of free and fair elections, on the basis of the new Constitution, under international supervision;

(b) Ensuring respect for human rights, in cooperation with the International Human Rights Monitoring Mission (para. H.3 below);

(c) Relations with the International Conference on the Former Yugoslavia (ICFY), the Mixed Military Working Group, the United Nations Protection Force (UNPROFOR) (including the United Nations Civilian Police (UNCIVPOL)), and the European Community Monitoring Mission (ECMM);

(d) Coordination with the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC), the World Health Organization (WHO) and other relevant agencies on the return and rehabilitation of refugees and displaced persons;

(e) Foreign affairs (including membership in international organizations);

(f) International commerce;

(g) Citizenship;

(h) In respect of the provincial police:

(i) provide coordination;

(ii) assist in technical functions (e.g. crime laboratories); and

(iii) coordination with international and foreign police authorities;

(i) Raising of any taxes required to carry out its functions.

B. BOUNDARY COMMISSION

A Boundary Commission shall be set up by the Secretary-General in consultation with the Co-Chairmen. The Commission shall receive and, if necessary, hear evidence from those affected by the proposed provisional provincial boundaries and advise on the demarcation of the Provinces to be specified in the new Constitution. The Commission shall consist of five persons: one each to be recommended by the three parties and two, one of whom shall be the Chairman, to be recommended by the Co-Chairmen. The Commission shall use as its basic document the provisional provincial map (appendix A). It shall be empowered to consider only marginal changes to the provisional boundaries. The decisions of the Commission shall be adopted by consensus.

C. SARAJEVO

1. The Capital City of Sarajevo will remain within the enlarged Sarajevo Province and its citizens will be represented in the governing of the Province. The concept of an undivided, open capital city being run by its citizens but with an overall responsibility to the whole country is one that is well understood. The Capital City will consist of the build-up areas of parts of the opstinas Novi Grad, Centar Sarajevo, Novo Sarajevo and Stari Grad. The provisional boundaries are as specified in appendix B but they will be referred to the Boundary Commission for review and any agreed changes will be introduced prior to implementing the new Constitution.

2. There shall be an independent Interim Executive Mayor and an Interim Executive Board to be nominated by the parties on the basis of the composition of the population of the Capital City in the 1991 census, provided that none of the three constituent peoples and others are left unrepresented. The Capital City shall be governed under the overall responsibility of the Presidency, but the Presidency shall not interfere with day-to-day management of the Capital City. The Presidency shall be responsible for the quality and character of the Capital City. There can be no changes in the Constitution of the Capital City or its boundaries without the agreement of the Presidency. Within the Capital City important religious buildings shall be considered as inviolable to the same extent as Embassies.

3. Under the new Constitution, the citizens of the Capital City will be represented in the Lower House and Upper House on the same basis as other citizens of Bosnia and Herzegovina in the Province of Sarajevo.

D. INTERIM PROVINCIAL GOVERNMENTS

1. During the interim period, each Province shall have an Interim Provincial Government composed of a Governor, a Vice-Governor, and ten other members, all of whom are to be nominated by the parties, with any representation of others to be decided by the Interim Presidency, on the basis of the composition of the population of the Province (based on the results of the 1991 census), provided that none of the three constituent peoples may be left unrepresented in any Province and that the Governor shall be a member of the most numerous constituent people and the Vice-Governor of the second most numerous. The Interim Presidency shall oversee the establishment of the Interim Provincial Governments.

2. Decisions of the Interim Provincial Governments shall normally be taken by a simple majority, except that the adoption of the Provincial Constitution and the setting of opstina boundaries shall require a consensus.

3. The principal responsibilities of the Interim Provincial Governments shall be:

(a) The drafting of the Provincial Constitutions, which must be in accord with the new Constitution of Bosnia and Herzegovina;

(b) Ensuring respect for human rights, in cooperation with the International Human Rights Monitoring Mission;

(c) Preparation for the holding of free and fair elections, to be held, as soon as possible, under the new Constitution of Bosnia and Herzegovina and the applicable Provincial Constitution, on the basis of proportional representation and under international supervision;

(d) Relations with the Mixed Military Working Group, UNPROFOR (including UNCIVPOL), ECMM and ICFY;

(e) Coordination with UNHCR, ICRC, WHO and other relevant agencies on the return and rehabilitation of refugees and displaced persons;

(f) Supervision of the provincial police forces;

(g) Restoration of infrastructure;

(h) Raising of any taxes necessary to carry out their functions.

4. Attached to the staff of each provincial Governor there will be UNPROFOR Military Liaison Officers, as well as an UNCIVPOL Liaison Officer, to assist in the carrying out of the above tasks.

5. The legal system of each Province during the interim period shall be that now prevailing in its territory, provided that no legal provision at the provincial level may be in conflict with the Interim Arrangements specified herein.

6. Similarly, the present powers of the opstinas shall continue, as shall their boundaries, except as required to conform to the provisional provincial boundaries set out in annex A or when changed by a consensus decision of the Interim Provincial Government.

E. WITHDRAWAL OF FORCES

Sarajevo Province shall be immediately demilitarized. All Serb forces shall withdraw into Provinces 2, 4 and 6; HVO forces into Province 3; Bosnian Army forces into Province 1. Both Bosnian Army and HVO forces shall be deployed in Provinces 5, 8, 9 and 10 under arrangements agreed between them. The process of demilitarization shall apply to all forces in all these nine Provinces, and shall be carried out under the supervision of UNPROFOR and in accordance with the detailed arrangements and timetables in the Agreement for Peace in Bosnia and Herzegovina, or as negotiated in the Mixed Military Working Group.

F. INTERNATIONAL BORDERS

International border crossing points initially are to be controlled by UNPROFOR. The question of policing the borders shall be further discussed in the context of the new Constitution. The Interim Presidency and the Interim Central Government, through the Ministry of Finance, shall be responsible for customs and excise arrangements, and shall have the normal powers to stop, search, detain and bring prosecutions to enforce these arrangements.

G. POLICE FORCES

During the interim period, all police forces shall conform to the proposals made by the Co-Chairmen in respect of the constitutional structure. b/ Therefore, all uniformed police shall be controlled by the Interim Provincial Governments or by local authorities under them, and shall reflect the proportions of the constituent peoples in the respective Provinces. At the national level there shall be no uniformed, armed police, but only a coordinating office in the Ministry of Justice to assist the provincial police authorities and to maintain contacts with international and foreign police authorities (e.g., Interpol).

H. PROTECTION OF HUMAN RIGHTS AND THE REVERSAL OF ETHNIC CLEANSING

1. During the interim period all persons in Bosnia and Herzegovina shall be entitled to all rights provided for in the existing Constitution and in applicable legislation in force, as well as to all rights provided for in specified international instruments on human rights (set out in appendix C). To the extent that there are any discrepancies, the provision providing the greater protection of human rights shall be applied. All statements or commitments made under duress, particularly those relating to the relinquishment of rights to land or property, shall be treated as wholly null and void.

2. The implementation of the above-mentioned human rights shall be ensured through:

(a) The national and provincial courts of Bosnia and Herzegovina, to which all persons shall have unimpeded access;

(b) An Interim Human Rights Court for Bosnia and Herzegovina, to be established immediately along the lines of that proposed by the Co-Chairmen for inclusion in the new Constitution; c/ and

(c) The immediate appointment of four Ombudsmen, supported by adequate staff and facilities. d/

3. In addition, there shall be an International Human Rights Monitoring Mission, to be established by the Secretary-General and to be headed by an Interim Human Rights Commissioner for Bosnia and Herzegovina, to be based in Sarajevo. Deputy Commissioners are to be based in various parts of the country. The Commissioner is to be supported by international human rights monitors, deployed throughout the country and particularly in areas affected by "ethnic cleansing". They shall be permitted to observe the situation of human rights throughout Bosnia and Herzegovina; in order to provide protection in urgent cases they shall be allowed to intercede with the Interim Presidency, the Interim Central Government and the Interim Provincial Governments, and with UNPROFOR; they may refer issues to the Ombudsmen and to

other human rights agencies as needed, and are to work closely with UNHCR, ICRC and other humanitarian agencies. The Commissioner is expected to submit regular reports to the Secretary-General who is to report periodically to the Security Council and to other international bodies, including the United Nations Commission on Human Rights and its Special Rapporteur.

4. The Interim Presidency, the Interim Central Government and the Interim Provincial Governments shall be required to make certain that all authorities give the fullest access, in respect of all relevant persons and places, to the Interim Human Rights Commissioner, the Deputy Commissioners and the human rights monitors, as well as to UNHCR, ICRC and other international humanitarian organizations.

5. It is understood that as part of the UNPROFOR deployment in Bosnia and Herzegovina there will be a large UNCIVPOL element whose principal task would be to monitor the police of the Provinces so that each: has an appropriately balanced ethnic composition (part G above); does not oppress members of minority ethnic groups; contributes positively to the reversal of "ethnic cleansing" by protecting persons returning after having been forced to flee; carries out the judgements of courts, in particular the Human Rights Court (para. H.2.b above); and assists the Interim Human Rights Commissioner, the Deputy Commissioners and the human rights monitors (para. H.3 above).

I. INTERNATIONAL ACCESS AUTHORITY

1. Principle 3 of the agreed Constitutional Principles states that "full freedom of movement shall be allowed throughout Bosnia and Herzegovina, to be ensured in part by the maintenance of internationally controlled throughways". In order to implement this Principle, the Interim Presidency shall establish an International Access Authority to:

(a) Have sole responsibility for all railway lines in Bosnia and Herzegovina;

(b) Have responsibility, in cooperation with UNPROFOR, for those roads which are declared to be internationally controlled throughways, as specified in appendix D;

(c) Regulate the operation of port facilities on the River Sava.

2. The essential purpose of the International Access Authority will be to guarantee full freedom of movement between and within the Provinces and also to and from the Provinces to the Republic of Croatia and to the Republic of Serbia. It is intended that the Authority be in operation as soon as possible during the interim period. Following the conclusion of the peace package, all designated throughways shall come under the responsibility of UNPROFOR; thereafter there will be a period of overlapping responsibility of UNPROFOR and the Authority, during which UNPROFOR's involvement will be phased out and its responsibilities assumed by traffic police employed by the Authority.

This transfer of responsibility requires the agreement of all members of the Authority.

3. The Interim Presidency and each of the Interim Provincial Governments shall appoint one representative to the Interim Access Authority.

4. The Authority shall have its headquarters in Sarajevo.

This Agreement shall enter into force on signature by all three parties and the adoption by the Security Council of a resolution providing for implementation of the peace package.

(Signed) A. IZETBEGOVIC R. KARADZIC (Signed) M. BOBAN

Witnessed by:

(Signed) C. R. VANCE (Signed) D. OWEN

New York, 25th day of March 1993

Notes

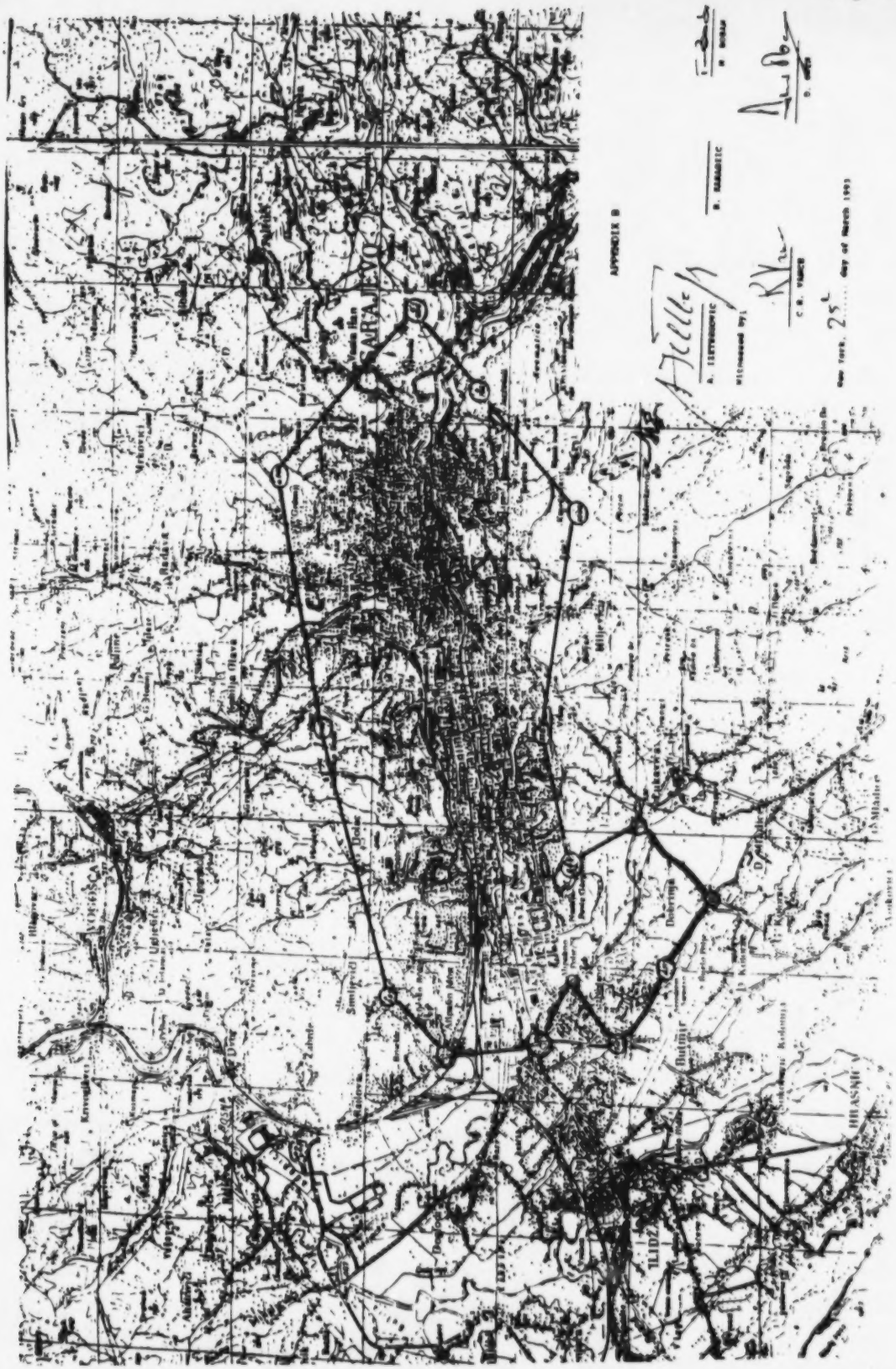
a/ See S/24795, paras. 52-55 and annex VII, part IV.A.

b/ See S/24795, annex VII, part V.B.

c/ Ibid., part VI.B.3.

d/ Ibid., part VI.B.2.

Velika Kladuša
Cazin
Bihać
Sanski Most
Bosanski Petrovac
Titov Drvar
Bosansko Grahovo
Glamoč
Bosanska Dubica
Bosanska Gradiška
Srbac
Derventa
Odžak
Modriča
Gradačac
Laktaši
Prnjavor
Čelinac
Banja Luka
Kotor Varoš
Teslić
Doboj
Tešanj
Maglaj
Lukavac
Tuzla
Brčko
Bijeljina
Lopare
Srebrenik
Kalesija
Živinice
Sokolac
Kladanj
Lukavac
Srebrenica
Bratunac
Olovo
Kakanj
Vareš
Visoko
Breza
Ilijaš
Vogošća
Hadžići
Ilidža
SARAJEVO
Pale
Sokolac
Rogatica
Višegrad
Rudo
Čajniče
Foča
Goražde
Kalinovik
Nevesinje
Gacko
Bileća
Trebinje
Ljubinje
Stolac
Čitluk
Grude
Posušje
Mostar
Ljubuški
Čapljina
Neum
Konjic
Jablanica
Prozor
Duvno
Livno
Tomislavgrad
Kupres
Gornji Vakuf
Bugojno
Donji Vakuf
Jajce
Šipovo
Mrkonjić Grad
Ključ
Bosanski Novi
Prijedor
Kozarac
Prijedor
Sanski Most
Bosanska Krupa
Cazin
Velika Kladuša
Otoka
Turanj
Gospić
Senj
Otočac
Ogulin
Karlovac
Sisak
Virovitica
Slavonski Brod
Orašje
Brčko
Lopare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HRASNICA

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Appendix C

International human rights treaties and other instruments to be applied in Bosnia and Herzegovina during the interim period

A. General human rights, especially civil and political rights

1. 1948 Convention on the Prevention and Punishment of the Crime of Genocide

2. 1948 Universal Declaration of Human Rights, Articles 1-21

3. 1966 International Covenant on Civil and Political Rights and its 1966 and 1989 Optional Protocols

4. 1965 International Convention on the Elimination of All Forms of Racial Discrimination

5. 1979 Convention on the Elimination of All Forms of Discrimination against Women

6. 1989 Convention on the Rights of the Child

7. 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

8. 1951 Convention relating to the Status of Refugees and the 1966 Protocol thereto

9. 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, and Protocols 1-10 thereto

10. 1987 European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

B. Protection of minorities

11. 1992 draft Declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities

12. 1990 C/E Parliamentary Assembly Recommendation 1134 (1990) on the rights of minorities, paras. 10-13

C. Economic, social and cultural rights

13. 1948 Universal Declaration of Human Rights, Articles 22-27

14. 1966 International Covenant on Economic, Social and Cultural Rights

15. 1961 European Social Charter and Protocol 1 thereto

D. Citizenship and nationality

16. 1957 Convention on the Nationality of Married Women

17. 1961 Convention on the Reduction of Statelessness

Appendix D

Throughways to be controlled by the International Access Authority

- that part of the road from Bihac to Livno that passes through Banja Luka Province
- that part of the road from Bihac to Jajce that passes through Banja Luka Province
- that part of the road from Banja Luka to Brcko that passes through Posavina Province
- those parts of the roads from Tuzla to Orasje and from Tuzla to Brcko that pass through Posavina and Bijeljina Provinces
- those parts of the roads from Han Pijesak to Sekovici and from Sekovici to Zvornik that pass through Tuzla Province
- that part of the road from Pale to Kalinovik that passes through Sarajevo Province
- that part of the road from Foca to Sarajevo that passes through East Herzegovina Province
- the road from Sarajevo to Mostar and to the Croatian border towards Split
- that part of the road from Ljubinje to Neum that passes through Mostar Province
- the road from Sarajevo through Orlovo to Tuzla
- the road from Gorazde, through Cajnice, to the border

International road border crossings affecting the International Access Authority:

- Bihac Province - Velika Kladusa, towards Karlovac and Zagreb
- Banja Luka Province - Bosanski, Gradiska, towards the Zagreb-Belgrade autoroute
- Posavina Province - Orasje, towards the Zagreb-Belgrade autoroute
- Bijeljina Province - Sremska Raca, towards the Zagreb-Belgrade autoroute
- Tuzla Province - Zvornik, towards the Zagreb-Belgrade autoroute
- Mostar Province - Osoje, towards Split

Annex II*

Agreement relating to Bosnia and Herzegovina

THE UNDERSIGNED

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights a/ and the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, b/

Recalling the statement of principles and the statement on Bosnia adopted by the International Conference on the Former Yugoslavia at its session in London and the Programme of Action on Humanitarian Issues agreed to at that session,

Considering the decisions of the United Nations Security Council relating to the former Yugoslavia,

Reaffirming their commitment to peace and security among the successor States to the former Yugoslavia,

Hereby agree as follows:

I. Constitutional framework for Bosnia and Herzegovina

Tripartite negotiations shall proceed on a continuous basis in Geneva, under the auspices of the International Conference on the Former Yugoslavia, in order to finalize a Constitution for Bosnia and Herzegovina in accordance with the following principles:

(1) Bosnia and Herzegovina shall be a decentralized State, the Constitution shall recognize three constituent peoples, as well as a group of others, with most governmental functions carried out by its provinces.

(2) The provinces shall not have any international legal personality and may not enter into agreements with foreign States or with international organizations.

(3) Full freedom of movement shall be allowed throughout Bosnia and Herzegovina, to be ensured in part by the maintenance of internationally controlled throughways.

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* Previously reproduced in S/25403, annex I.

(4) All matters of vital concern to any of the constituent peoples shall be regulated in the Constitution, which as to these points may be amended only by consensus of these constituent peoples; ordinary governmental business is not to be veto-able by any group.

(5) The provinces and the central Government shall have democratically elected legislatures and democratically chosen chief executives and an independent judiciary. The Presidency shall be composed of three elected representatives each of the three constituent peoples. The initial elections are to be United Nations/European Community/ Conference on Security and Cooperation in Europe supervised.

(6) A Constitutional Court, with a member from each group and a majority of non-Bosnian members initially appointed by the International Conference on the Former Yugoslavia, shall resolve disputes between the central Government and any province, and among organs of the former.

(7) Bosnia and Herzegovina is to be progressively demilitarized under United Nations/European Community supervision.

(8) The highest level of internationally recognized human rights shall be provided for in the Constitution, which shall also provide for the ensurance of implementation through both domestic and international mechanisms.

(9) A number of international monitoring or control devices shall be provided for in the Constitution, to remain in place at least until the three constituent peoples by consensus agree to dispense with them.

II. Cooperation in respect of humanitarian efforts

1. Maximum cooperation shall be extended to the High Commissioner for Refugees, the International Committee of the Red Cross, the United Nations Protection Force, the European Community Monitoring Mission and other humanitarian organizations working to provide assistance to refugees and displaced persons.

2. Full cooperation shall also be extended to the High Commissioner for Refugees in drawing up and implementing programmes for the return of refugees and displaced persons to their homes.

(Signed) A. IZETBEGOVIC (Signed) R. KARADZIC (Signed) M. BOBAN

Witnessed by:

(Signed) C. R. VANCE (Signed) D. OWEN

Geneva, 30th day of January 1993

Notes

a/ General Assembly resolution 217 A (III).

b/ General Assembly resolution 47/135.

Annex III

BOSNIA AND HERZEGOVINA

The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations

Annex IV*

Agreement for peace in Bosnia and Herzegovina

THE UNDERSIGNED

Welcoming the invitation of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia to participate in talks for the restoration of peace in Bosnia and Herzegovina,

Taking account of the constructive atmosphere of the peace talks held in Geneva from 2 to 5 January and the assistance of the Force Commander of the United Nations Protection Force, Lieutenant-General Satish Nambiar,

Keeping in mind the principles of the International Conference and the resolutions of the United Nations Security Council, in particular resolutions 752 (1992) and 787 (1992) pertaining to withdrawal of all outside forces from Bosnia and Herzegovina,

Wishing to bring the conflict in Bosnia and Herzegovina to an end without any further delay and to re-establish peace throughout the country,

Desiring to work out arrangements for bringing about compliance with a cessation of hostilities, and for monitoring it so as to ensure that it is effective and lasting,

Hereby agree on the following:

1. Measures for the achievement of an unconditional cessation of hostilities throughout Bosnia and Herzegovina, as set out in annex I to the present agreement;

2. Measures for the restoration of infrastructure in Bosnia and Herzegovina, as set out in annex II to the present agreement;

3. Measures on the opening of routes, as set out in annex III to the present agreement

4. Arrangements on the separation of forces, as set out in annex IV to the present agreement;

5. Measures for the demilitarization of Sarajevo, as set out in annex V to the present agreement;

6. Measures for the monitoring of the borders of Bosnia and Herzegovina, as set out in annex VI to the present agreement;

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* Previously reproduced in S/25403, annex III.

7. Return of forces to designated provinces, as set out in annex VII to the present agreement.

A. IZETBEGOVIC (Signed) R. KARADZIC (Signed) M. BOBAN

Witnessed by:

(Signed) C. VANCE (Signed) D. OWEN

Geneva, 30th day of January 1993

[Annex I]

Cessation of hostilities

BROAD PRINCIPLES

All parties agree to support the broad principles required to support a cessation of hostilities. These broad principles will be translated into concrete action through additional discussion within the Mixed Military Working Group. Several of the principles will be dealt with on a stand-alone basis, although they remain an integral part of the overall framework of the cessation of hostilities.

The broad principles are:

A cease-fire must be put in place and remain effective. This is to be implemented 72 hours from midnight (New York time - EST) of the day on which the Security Council endorses this plan.

Monitoring and control measures are to be put in place to ensure compliance and should include as a minimum:

- Links between Commanders in conflict areas (hot lines);
- Provision of United Nations Protection Force/European Community Monitoring Mission liaison and monitors;
- Establishment of joint crisis management teams;
- Opening of confrontation line crossing-points. For use by the United Nations Protection Force and monitoring agencies.

The separation of forces is to be achieved.

Routes supporting the general freedom of movement of people, commerce and humanitarian aid are to be opened.

The restoration of infrastructure will proceed as a priority. Restoration will not be linked to any negotiations.

ESSENTIAL ELEMENTS

- Security Council endorses the plan - initiates all follow-on action (D-3). The 72 hours permit passage of information;
- Cessation of hostilities effective (D-Day);
- Declaration of forces - this is to take place on D-1 and should include:

- Numbers and locations of all heavy weapons,
- Detailed documentation of minefields,
- Location of front lines (traces),
- Defensive works and positions.

- Establish demarcation line (joint activity);

- Move in United Nations Protection Force forces to establish security (commencing D+1):
  - Monitor lines of conflict,
  - Monitor heavy weapons,
  - Reporting system (all parties).

- Withdrawal of heavy weapons:
  - Of calibre 12.7 mm and above; 5 days for Sarajevo and 15 days for remaining areas.
  - Locations to be determined based on effective ranges of weapon systems.
  - All such withdrawals will be supervised by the United Nations Protection Force and subsequently monitored at the designated locations by the United Nations Protection Force in order to prevent their use.

- Separation of forces:
  - Abandon defensive works on confrontation line,
  - Area of separation to be agreed,
  - Distance in which no forces, except police, allowed,
  - Distance within which no defensive works will be manned.

The separation of forces and withdrawal of heavy weapons are linked.

Mixed Military Commission is established to deal with any clarifications and breaches of the cessation of hostilities.

[Annex II]

Restoration of infrastructure

All parties agree that denial or use of civil utilities as a weapon of war is unacceptable, and all affirm their commitment to the full restoration of the civil infrastructure across Bosnia and Herzegovina, and in particular, Sarajevo.

The provision of humanitarian aid cannot be linked in any way with the military steps of the process of demilitarization or cessation of hostilities. Being humanitarian in nature, its priority is strictly governed by the ability of all three parties to support its implementation.

Restoration will be the first priority. Therefore, immediate efforts must be placed on the restoration of infrastructure. This is equally applicable to the city of Sarajevo as well as the rest of Bosnia and Herzegovina. It includes where applicable:

Power grids

Power stations

Bridges

Gas

Telecommunications

Railway lines

Routes

Water supply.

Guarantees of security will be requested and must be provided and the restoration of power/water/heat will be fully supported by the warring parties.

A joint committee is already in place in Sarajevo; the work of this committee is to be facilitated with immediate effect to enable early restoration of utilities in Sarajevo.

Assistance will be provided through all the appropriate agencies, including United Nations and civilian expertise. However, within Bosnia and Herzegovina, a joint commission composed of representatives of all sides is to identify the priorities, define the needs and execute the work in conjunction with civil authorities. To this end, vital installations will be identified in conjunction with Bosnia and Herzegovina joint commission:

- Access will be guaranteed after local arrangements are made.

- Forces will be withdrawn from sites consistent with security.

- Warring parties will provide, when necessary, liaison for the repair teams.

- Civil agencies/workers will be assisted.

Parties will work to re-establish infrastructure, including railways/power grids/water supplies, across borders with neighbouring republics.

Respect for infrastructure facilities must be developed and they must remain free from attack or use as defensive positions.

All parties agree to develop a common instruction for passage down chains of command to demonstrate an equal endorsement of support.

[Annex III]

Opening of routes

The opening of routes is directly related to the political issue which concerns the freedom of movement of all people in the context of constitutional principles. It is equally applicable to Sarajevo as well as all other areas of Bosnia and Herzegovina.

It is to be achieved through:

- Security guarantees by all parties to ensure non-interference and protection of personnel and material using the routes.

- Non-interference on the route.

- Checkpoints, patrols, and monitoring by United Nations Protection Force/European Community Monitoring Mission, as appropriate.

- Supervised inspection at entry points.

- Freedom of passage of humanitarian aid.

- Absolute freedom of movement of United Nations forces.

The concept of blue routes for Sarajevo is appended hereto. This format is applicable for the establishment of all other similar types of routes within Bosnia and Herzegovina. Additional routes can be negotiated under the aegis of the Mixed Military Working Group.

Appendix

Sarajevo "blue route" concept

The parties have decided to establish three free passage routes with mutually agreed measures to guarantee and ensure safe passage for freedom of movement of civilians, commercial goods and humanitarian aid to and from Sarajevo.

These routes are:

- Sarajevo-Zenica-Sarajevo;
- Sarajevo-Mostar-Sarajevo;
- Sarajevo-Zvornik-Sarajevo.

Outline plan for blue routes

1. Execution

1.1 Prerequisites

The following prerequisites are to be required:

1.1.1 Cessation of hostilities.

1.1.2 Complete freedom of movement for United Nations Protection Force forces on the three blue routes.

1.2 Use of the blue routes

1.2.1 Timings

Routes will be open during daylight hours for convoys. United Nations Protection Force forces will use the routes 24 hours each day.

1.2.2 Access for civilians

All civilians, regardless of sex, age, or ethnic origin, and without weapons or ammunition, will be allowed to use the routes. Private and commercial vehicles will also be permitted on each route subject to inspection outlined in paragraph 1.5.1 below.

1.2.3 Access for humanitarian aid

All international and local humanitarian aid agencies will be allowed to use the routes. Humanitarian aid includes, but is not limited to, food, water, medical supplies and fuel.

1.2.4 Access for commercial goods

Normal commerce will be progressively restored to and from Sarajevo.

1.3 Establishment of routes

1.3.1 Sarajevo-Zenica-Sarajevo

This route incorporates Sarajevo-Rajlovac-Ilijas-Visoko-Zenica.

1.3.2 Sarajevo-Mostar-Sarajevo

This route incorporates Sarajevo-Ilidza-Hadzici-Tarcin-Jablanica-Mostar.

1.3.3 Sarajevo-Zvornik-Sarajevo

This route incorporates Sarajevo-Bentbasa-Mokro-Sokolac-Vlasenica-Zvornik.

1.4 Checkpoints

Checkpoints will be established and manned by United Nations Protection Force forces at the entrance and exit of each route and when crossing a line of confrontation. Each United Nations Protection Force checkpoint will be located near or with the checkpoint of the force controlling the territory involved consistent with the security requirements of the factions. No side will be permitted to erect a new checkpoint.

1.5 Control measures

1.5.1 Inspection procedures

(a) Inspections will be conducted by United Nations Protection Force forces. Each side is permitted to monitor the events in close coordination with the United Nations Protection Force.

(b) War-related material, weapons or ammunition are forbidden. If found, the items will be confiscated and subsequently destroyed under control of the United Nations Protection Force and the parties.

(c) Humanitarian aid convoys may be subjected to inspections.

(d) Checkpoints will be activated only during daylight hours as a safety measure for civilians and convoys.

1.5.2 Escorts

(a) Each convoy will be escorted with the appropriate United Nations Protection Force vehicles.

(b) Convoys and escorts will take priority over military activities.

(c) The Army controlling the territory involved may provide civilian police as an additional means of security.

1.5.3 Patrols

(a) United Nations Protection Force forces will patrol the blue routes as necessary.

(b) Patrols will consist of at least two vehicles suitably equipped and will contain an appropriate communications net.

(c) All United Nations Protection Force patrols will be permitted to cross all checkpoints.

1.6 Implementation

1.6.1 Suggested timeframe

D-3 - Security Council endorses the plan

D+1 - Erecting checkpoints

- Inspection procedures agreed

- Routes cleared of all obstacles

- Repairs carried out as required

- Reconnoitre by the United Nations Protection Force

D+5 - Opening of blue routes for civilians and humanitarian aid.

[Annex IV]

Separation of forces

The parties agree that the separation of forces is an element of the overall cessation of hostilities. An agreement will be based on the steps and control measures and sequence of events outlined below:

STEPS

The concrete steps envisaged in the process include:

- An absolute cease-fire.
- Temporary freezing of the military situation, pending agreement on return of forces to designated provinces.
- No forward deployments or offensive action.
- No move of additional forces, explosives and weapons forward will be permitted. Rotation on an individual basis is acceptable.
- Withdrawal of heavy weapons (direct and indirect fire) of all parties from areas of confrontation to areas out of range, decided upon by the parties in conjunction with the United Nations Protection Force.
- Physical separation of forces in contact.
- Security and monitoring of the demilitarized zone.

CONTROL MEASURES

The control measures required include:

- Declaration of forces in being, including location of minefields.
- Monitoring of front lines.
- Declaration of heavy weapons in separation areas.
- Establishing agreed lines on which forces may be located.
- Staged withdrawal of forces culminating in their relocation to designated provinces.

SEQUENCE OF EVENTS

- Cease-fire under aegis of the overall cessation of hostilities.

- Establishment and patrol of the demarcation line by United Nations Protection Force personnel.

- Withdrawal of designated weapons systems of all parties.

- Search and clearance of the affected area by joint patrols.

- Conduct of joint and United Nations-only patrols within the area. Composition of the patrols to be negotiated at the Mixed Military Working Group.

UNPROFOR CONCEPT FOR HEAVY WEAPONS CONTROL

- All heavy weapons 12.7 mm calibre and above are included.

- These weapons will be withdrawn out of effective range to areas decided between the United Nations Protection Force and the parties.

- The withdrawal will be monitored by the United Nations Protection Force.

- Once in location the weapons will be monitored to ensure that they are not used.

- The United Nations Protection Force will not physically take over the weapons.

- Where terrain such as towns preclude moving weapons out of range, they will be gathered in agreed locations under United Nations Protection Force control to ensure that they are not used.

[Annex V]

Demilitarization of Sarajevo

The demilitarization of Sarajevo is based on one requirement: an effective cessation of hostilities.

The other elements are:

- Establishment of control on a designated line;
- Restoration of civil utilities;
- Land routes and freedom of movement;
- Separation of forces along lines of confrontation.

Control measures include:

- Patrol and monitoring of the demarcation line;
- Checkpoints at major crossings until confidence is restored;
- Mixed patrols in the demilitarized zone.

A military/civil joint commission as previously proposed should oversee the implementation of the accord.

Appended hereto is a draft agreement covering first stage of a potential agreement on the demilitarization of Sarajevo. This stage covers the airport area as already discussed at the Mixed Military Working Group.

Appendix

Proposed agreement on the first stage of demilitarization of Sarajevo

The authorized representatives of all three conflicting sides with the presence of the United Nations Protection Force representative agree on the implementation of an area of separation in the western and southern districts of Sarajevo.

Cessation of hostilities

The cessation of hostilities will be implemented as follows:

(a) The freezing of the military situation on the existing lines.

(b) No offensive action allowed.

(c) No forward redeployments.

(d) All heavy weapons will be withdrawn from positions from which they can engage.

(e) No movement of any additional forces although rotation of personnel on a one-for-one basis shall be permitted.

(f) No movement or resupply of ammunition, explosives or incendiary devices.

Freedom of movement for all civilians

The agreement on blue routes will re-establish the freedom of movement of all civilians in support of this plan.

Restoration of civil utilities

A Joint Commission composed of representatives from each side will identify priorities, define needs and execute the implementation of civil utilities. Details can be found in annex II, Restoration of infrastructure.

Removal of heavy weapons

(a) Area. All heavy weapons will be withdrawn to designated locations from the following: Mojmilo, Dobrinja, Lukavica, Gornji, Kotorac, Vojkovici, Hrasnica, Sokolovici, Butmir, Ilidza, Otes, Stup, Nedarici.

(b) Joint Commission. A Joint Commission will be created.

(1) The mission of this Joint Commission will be to execute and implement details of this plan and subsequent phases.

(2) This Joint Commission will be composed of:

(a) A United Nations Protection Force command and support element.

(b) A team of each side commanded by an officer senior enough to make decisions and designated as the authorized commander for the troops in the area affected.

(c) A joint communications system which includes a command net and the necessary guaranteed communications link to each individual headquarters.

(c) Time-frame. From each district the withdrawal of heavy weapons out of the designated area will be carried out in two stages within a period of five days:

(1) Stage 1 - Withdrawal of all direct fire weapons of 12.7 mm calibre and above (tanks, armoured personnel carriers, anti-tank, anti-aircraft and heavy machine-guns).

(2) Stage 2 - Withdrawal of all heavy indirect fire weapons (mortars, field artillery).

(d) Control measures. The following implementation and control measures will be used:

(1) United Nations Protection Force forces will patrol the area of separation between the conflicting sides.

(2) United Nations Protection Force forces will be deployed on the confrontation lines and on agreed mixed checkpoints proposed by the Joint Commission.

(3) All parties are to identify weapons by type and locations and will provide the United Nations Protection Force with detailed maps of areas considered to be under their respective control.

(4) Complete freedom of movement for all United Nations Protection Force personnel and vehicles within the affected areas.

(5) The Joint Commission will establish mixed patrols as appropriate.

[Annex VI]

Monitoring of borders

Pursuant to United Nations Security Council resolution 787 (1992), paragraph 5, to prevent interference from outside the Republic of Bosnia and Herzegovina, the United Nations Protection Force/European Community Monitoring Mission will monitor borders with neighbouring republics.

Principles

United Nations Protection Force/European Community Monitoring Mission forces will monitor crossings to prevent weapons, munitions, military personnel or irregular forces from entering the country.

Borders with adjoining republics will be monitored.

United Nations Protection Force actions to observe, search and report will be facilitated by the authorities of the Republic of Croatia and the Federal Republic of Yugoslavia.

[Annex VII]

Return of forces to designated provinces

To enable the process of return to normalcy, and as a direct follow-on from the cessation of hostilities and the separation of forces, a return of forces to designated provinces will be conducted. This can start as part of the withdrawal of heavy weapons but, given the winter weather conditions, it is hard to fix a definite date for the completion of this process. We should however aim to achieve the return of forces within 45 days.

This stage will be coordinated with an agreed demobilization of forces in being.

The United Nations Protection Force/European Community Monitoring Mission will monitor the withdrawal of these forces in conjunction with national and provincial authorities.

The Mixed Military Working Group would be the technical negotiating agency.

Annex V*

REPUBLIC OF BOSNIA AND HERZEGOVINA

PRESIDENCY

PRESIDENT

March 25, 1993

S T A T E M E N T

By signing the Vance-Owen Peace Plan for the Republic Bosnia and Herzegovina (the nine principles, the military agreement, the maps of the proposed provinces and the document on the interim period) the State delegation of the Republic of Bosnia and Herzegovina states the following:

1. Regardless of the fact whether or not all parties will sign the documents today, the Delegation of Bosnia and Herzegovina considers that the International Community was and will remain obligated to protect the independence and the territorial integrity of Bosnia and Herzegovina as an attacked country, in accordance with the Charter of the United Nations, International Law, decisions of the London Conference, and especially according to all relevant resolutions of the United Nations Security Council concerning the aggression against Bosnia and Herzegovina.

2. Our signatures on the proposed documents will become invalid and will be considered null and void if the following conditions are not met:

a) all interested parties, especially the aggressor side does not sign the documents without any alterations or reservations within a reasonable time frame.

b) the International Community does not undertake, within a timely fashion the effective measures of implementation of the signed agreement, to the degree and in the manner which the situation will impose.

c) if the aggression continues.

3. Any provisions of the signed documents cannot be interpreted and not be understood as the diminishing integrity and sovereignty of the Republic of Bosnia and Herzegovina as an independent and undivided whole state.

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* See A/47/913-S/25474.

On the contrary, the signed agreement must be understood and can only be interpreted as the means and way to protect and strengthen that integrity.

4. It is understood that individuals declared as war criminals, or for whom there is a grounded suspicion that they were instigators or organizers or executors of war crimes on the territory of Bosnia and Herzegovina, will not and cannot be nominated for the highest positions of authority of the State, both in the Interim Presidency and Interim Government.

5. The Delegation of the Government of the Republic of Bosnia and Herzegovina asks the international community and the UN Security Council to continue with the intention of successfully completing the establishment of the Court for War Crimes committed on the territory of Bosnia and Herzegovina and the former Yugoslavia.

6. Upon the signing of today's documents, the Delegation of Bosnia and Herzegovina expresses that the aggression and its consequences be stopped and reversed with peaceful means, but at the same time the Delegation will not surrender its legitimate right to self defense in accordance with Article 51 of the UN Charter.

In this regard, if the peace efforts remain without results, the Presidency and the Government will undertake all necessary measures to defend its people, and in that case, expect the Security Council without further delay to lift the arms embargo on Bosnia and Herzegovina.

7. The Delegation of Bosnia and Herzegovina expresses its appreciation to the United States of America and to its special envoy to these talks Ambassador Reginald Bartholomew, for the constructive contributions in overcoming the difficulties which arose during the course of these talks.

8. We are issuing this statement concurrent with the signing of today's documents and are handing it over to the International Conference on the Former Yugoslavia with the request that it be included and attached with the official documents of the Conference.

New York, March 25, 1993

Delegation for the Government
of the Republic of Bosnia and
Herzegovina

Alija Izetbegovic
President of the Presidency
of the Republic of Bosnia and
Herzegovina

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/25480
29 March 1993

ORIGINAL: ENGLISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

After the consultations held on 23 and 29 March 1993, the President of the Security Council issued the following statement on behalf of the members of the Council in connection with the item entitled "The situation between Iraq and Kuwait":

"The members of the Security Council held informal consultations on 23 and 29 March 1993 pursuant to paragraphs 21 and 28 of Security Council resolution 687 (1991) and paragraph 6 of Security Council resolution 700 (1991).

"After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for a modification of the regimes established in paragraph 20 of Security Council resolution 687 (1991), as referred to in paragraph 21 of that resolution; in paragraphs 22, 23, 24 and 25 of Security Council resolution 687 (1991), as referred to in paragraph 28 of resolution 687 (1991); and in paragraph 6 of Security Council resolution 700 (1991)."

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UNITED
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Security Council

Distr.
GENERAL

S/25481
29 March 1993
ENGLISH
ORIGINAL: FRENCH

Draft resolution

The Security Council,

Reaffirming its resolution 743 (1992) and all subsequent resolutions relating to the United Nations Protection Force (UNPROFOR),

Reaffirming in particular its commitment to ensure respect for the sovereignty and territorial integrity of Croatia and of the other Republics where UNPROFOR is deployed,

Having considered the report of the Secretary-General dated 25 March 1993 (S/25470 and Add.1),

Deeply concerned by the continuing violations by the parties and others concerned of their cease-fire obligations,

Determining that the situation thus created continues to constitute a threat to peace and security in the region,

Determined to ensure the security of UNPROFOR and its freedom of movement for all its missions, and to these ends acting under Chapter VII of the Charter of the United Nations,

1. Approves the report of the Secretary-General, in particular its paragraph 5;

2. Reaffirms all the provisions of its resolutions 802 (1993) and 807 (1993);

3. Decides to reconsider one month after the date of this resolution, or at any time at the request of the Secretary-General, UNPROFOR's mandate in light of developments of the International Conference on the Former Yugoslavia and the situation on the ground;

4. Decides, in this context, further to extend UNPROFOR'S mandate for an additional interim period terminating on 30 June 1993;

5. Supports the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia in their efforts to help to define the future status of those territories comprising the United Nations Protected Areas (UNPAs), which are integral parts of the territory of the Republic of Croatia, and demands full respect for international humanitarian law, and in particular the Geneva Conventions, in these Areas;

6. Requests the Secretary-General to report urgently to the Council on how the United Nations Peace Plan for Croatia can be effectively implemented;

7. Decides to remain actively seized of the matter.